

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23219-2023 (O&M)
Date of order: 08.05.2023

Baldev Kumar Bansal

... Petitioner(s)

Versus

Central Bureau of Investigation

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Matvinder Singh, Advocate
for the petitioner(s).

Ms. Shubhra Singh, Sr. Panel Counsel, CBI.

ANOOP CHITKARA, J.

Aggrieved by dismissal of application filed under Section 207 CrPC, the petitioner-accused has come up before this Court under Section 482 CrPC.

Respondent-CBI had filed a chargesheet against the petitioner and other accused for commission of offence under Sections 120 IPC read with Sections 420 IPC and Sections 13(2) read with Sections 13(i)(d) of the Prevention of Corruption Act, 1988.

Vide application dated 14.12.2022, the petitioner-accused wanted the CBI to supply him (i) copies of statements of witnesses recorded but not relied upon; (ii) list of documents collected/seized but not relied upon; and (iii) copies of statements of accused Jiwan Garg and Prince Garg recorded by CBI during investigation. CBI filed formal response to the said application.

Vide order dated 29.3.2023, learned Special Judge, CBI dismissed the said application primarily on the ground that the law regarding supply of copies has been reiterated in State of Andhra Pradesh & others 2022(1) SCC (Cri) 100, Manoj and others Vs. State of Madhya Pradesh, 2002(3) RCR (Criminal) 488 (SC) and P. Ponusamy Vs. The State of Tamil Nadu, 2022 Live Law (SC) 923, which clearly mentions that the copies/documents only be supplied provided the accused seeks it and secondly, the stage is after framing of charges.

Perusal of file and the impugned order indisputably reveals that the charges

have not yet been framed in the case. Once charges are not framed, right of the accused to have access to unrelid documents (based on above-mentioned judicial precedents) is not applicable at pre-charge stage. Furthermore, a perusal of the application reveals that it was filed in December, 2022, because of which trial was delayed by five months, which points out that the purpose of filing such application was to delay the trial.

Given above, no ground is made out to interfere in the impugned order.

Accordingly, the present petition is dismissed.

(ANOOP CHITKARA)
JUDGE

May 08, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No